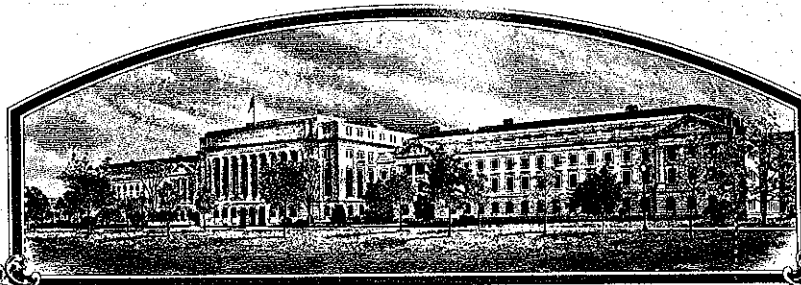


No.

7800093



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

## North American Plant Breeders

Whereas, THERE HAS BEEN PRESENTED TO THE

### Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF *seventeen* YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. THE UNITED STATES SEED OF THIS VARIETY (1) SHALL BE SOLD BY VARIETY NAME ONLY AS CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF GENERATIONS SPECIFIED BY THE OWNER OF THE RIGHTS. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

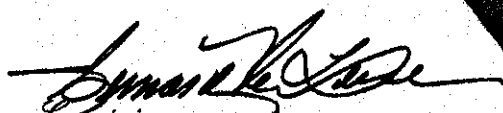
BARLEY

'Bold'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington this 29th day of March in the year of our Lord one thousand nine hundred and seventy-nine



Attest:

  
Commissioner  
Plant Variety Protection Office  
Grain Division  
Agricultural Marketing Service

  
Secretary of Agriculture

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
LIVESTOCK, POULTRY, GRAIN & SEED DIVISION

FORM APPROVED  
OMB NO. 40-R3822

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: See Reverse.

No certificate for plant variety protection may be issued unless a completed application form has been received (5 U.S.C. 553).

1a. TEMPORARY DESIGNATION OF VARIETY  N-47-74		1b. VARIETY NAME  Bold		FOR OFFICIAL USE ONLY PV NUMBER <b>7800093</b>	
2. KIND NAME  Barley		3. GENUS AND SPECIES NAME  <u>Hordeum vulgare</u> L.		FILING DATE <b>7-26-78</b>	TIME <b>11:15</b> <b>(A.M.)</b>
4. FAMILY NAME (BOTANICAL)  Gramineae		5. DATE OF DETERMINATION  10-1-77		FEE RECEIVED \$ <b>500.00</b> \$ <b>250.00</b>	DATE <b>7-26-78</b> <b>3-9-79</b>
6. NAME OF APPLICANT(S)  North American Plant Breeders		7. ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code)  5201 Johnson Dr. Mission, Kansas 66205		8. TELEPHONE AREA CODE AND NUMBER  913-384-4940	
9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: (Corporation, partnership, association, etc.)  Partnership		10. IF INCORPORATED, GIVE STATE AND DATE OF INCORPORATION  Stamford, Connecticut		11. DATE OF INCORPORATION  March 9, 1973	
12. NAME AND MAILING ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS:  Giles E. Dixon, Research Director North American Plant Breeders, P.O. Box 2955 5201 Johnson Dr., Mission, Kansas 66205					

13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:

- ☒ 13A. Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)
- ☒ 13B. Exhibit B, Novelty Statement.
- ☒ 13C. Exhibit C, Objective Description of the Variety (Request form from Plant Variety Protection Office.)
- ☒ 13D. Exhibit D, Additional Description of the Variety.

14a. DOES THE APPLICANT(S) SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED? (See Section 83(a). (If "Yes," answer 14B and 14C below.) ☒ YES ☐ NO

14b. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?  
☒ YES ☐ NO

14c. IF "YES," TO 14B, HOW MANY GENERATIONS OF PRODUCTION BEYOND BREEDER SEED?  
☒ FOUNDATION ☒ REGISTERED ☒ CERTIFIED

15a. DID THE APPLICANT(S) FILE FOR PROTECTION OF THIS VARIETY IN OTHER COUNTRIES? ☐ YES ☒ NO (If "Yes," give name of countries and dates.)

15b. HAVE RIGHTS BEEN GRANTED THIS VARIETY IN OTHER COUNTRIES? ☐ YES ☒ NO (If "Yes," give name of countries and dates.)

16. DOES THE APPLICANT(S) AGREE TO THE PUBLICATION OF HIS/HER (THEIR) NAME(S) AND ADDRESS IN THE OFFICIAL JOURNAL? ☒ YES ☐ NO

17. The applicant(s) declare(s) that a viable sample of basic seed of this variety will be furnished with the application and will be replenished upon request in accordance with such regulations as may be applicable.

The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believe(s) that the variety is distinct, uniform, and stable as required in Section 41, and is entitled to protection under the provisions of Section 42 of the Plant Variety Act.

Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

July 7 1978.  
(DATE)

G. E. Dixon  
(SIGNATURE OF APPLICANT)

1

(DATE)

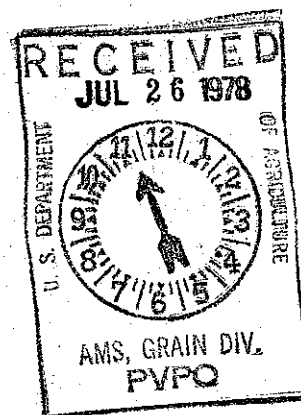
(SIGNATURE OF APPLICANT)

## INSTRUCTIONS

**GENERAL:** Send an original copy of the application and exhibits, at least 2,500 viable seeds, and \$500 fee (\$250 filing fee and \$250 examination fee) to U.S. Dept. of Agriculture, Agricultural Marketing Service, Livestock, Poultry, Grain and Seed Division, Plant Variety Protection Office, National Agricultural Library Building, Beltsville, Maryland 20705. (See section 180.175 of the Regulations and Rules of Practice.) Retain one copy for your files. All items on the face of the form are self-explanatory unless noted below.

### ITEM

- 5 Give the date the applicant determined that he had a new variety based on (1) the definition in section 41(a) of the Act and (2) the date a decision was made to increase the seed.
- 13a Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method; (2) the details of subsequent stages of selection and multiplication; (3) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified and (4) evidence of uniformity and stability.
- 13b Give a summary statement of the variety's novelty. Clearly state how this novel variety may be distinguished from all other varieties in the same crop. If the new variety most closely resembles one or a group of related varieties: (1) identify these varieties and state all differences objectively; (2) attach statistical data for characters expressed numerically and demonstrate that these differences are significant; and (3) submit, if helpful, seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty.
- 13c Fill in the Exhibit C, Objective Description form, for all characteristics for which you have adequate data.
- 13d Describe any additional characteristics that are not described, or whose description cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the description of characteristics that are difficult to describe, such as, plant habit, plant color, disease resistance, etc.
- 14a If "YES" is specified (seed of this variety be sold by variety name only as a class of certified seed) the applicant may NOT reverse his affirmative decision after the variety has either been sold and so labeled, his decision published, or the certificate has been issued. However, if the applicant specified "NO," he may change his choice. (See section 180.16 of the Regulations and Rules of Practice.)
- 15a See section 42 of the Plant Variety Protection Act and section 180.7 of the Regulations and Rules of Practice.



7800093

EXHIBIT A

Origin and Breeding History of Bold

PEDIGREE: Male sterile California Mariout, Benton, Trebi, Mars, Everest, Atlas, KB-163, KB-442, and Yukon were crossed with Japanese uzu varieties Akashiniviki, Musashinomugi, Baitori I, Tokai-21, and Shikokumugi.

DATE OF CROSS: 1964-65, Tucson, Arizona

HISTORY: Crossed seed were bulked and the F<sub>1</sub> and F<sub>2</sub> were grown in the 1965-66 and 1966-67 seasons. Heads were harvested from the F<sub>2</sub> and grown in F<sub>3</sub> rows in 1967-68. Some of these rows were crossed onto male sterile forms of California Mariout, Arivat and Trebi. The crossed seed were bulked and the F<sub>1</sub> and F<sub>2</sub> grown in the 1968-69 and 1969-70 seasons. Heads were selected from the F<sub>2</sub> and planted in F<sub>3</sub> head rows in 1970-71. Single heads were selected from the F<sub>3</sub> rows and grown in F<sub>4</sub> head rows in 1971-72. Again, single heads were selected from the F<sub>4</sub> rows and grown in F<sub>5</sub> head rows in 1972-73. A single plant was selected from the F<sub>5</sub> row Ma6212-36-1 in the spring of 1973. One generation later selected plants were pulled from the progeny and bulked in Woodland and Firebaugh, California in 1973-74. It was entered in NAPB yield trials in Stratford, California (four replicate trial) in 1974-75, and in the University of California trials in 1974-75 (four sites) and 1975-76 (six sites).

Purification was initiated in 1976 when 500 heads were taken from a plot grown in El Centro, California. These were grown as head rows in Berthoud, Colorado in 1976. Since then purification and production of breeder's seed has followed the plant row method.

The following variants were found in the 1977 plant rows: non-typical collar shape - 31.5%.

Environmental conditions sometimes cause a small percentage (0 - 7%) of very long deformed rachilla with these types showing no rachilla hairs except at the base. These were observed in 1978 in Northern California only.

Bold has been in California and Colorado breeder nurseries since 1974 and production fields since 1977 and has exhibited uniformity and stability of phenotype.

7800093

Exhibit B

Data Indicative of Novelty of Bold

1. Bold is in general most similar to California Mariout 72 (CM72). The following characteristics can be used to distinguish the two varieties:
  - a. Bold is two days later than CM 72 in maturity.
  - b. CM 72 is white-aleuroned (colorless) while Bold is blue-aleuroned.
  - c. Bold is shorter in plant height than CM 72 eight station-years data: Bold - 181 cm.; CM 72 - 90 cm.  $t = 5.2^*$  ( $t_{.05} = 3.18$ )

OBJECTIVE DESCRIPTION OF VARIETY  
BARLEY (*HORDEUM VULGARE*)

INSTRUCTIONS: See Reverse.

NAME OF APPLICANT(S)

North American Plant Breeders

ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code)

P.O. Box 2955, Mission, Kansas 66205

FOR OFFICIAL USE ONLY

PVPO NUMBER

7800093

VARIETY NAME OR TEMPORARY DESIGNATION

Bold

Place the appropriate number that describes the varietal character of this variety in the boxes below.  
Place a zero in first box (i.e.    or   ) when number is either 99 or less or 9 or less.

1. GROWTH HABIT:

1 = SPRING 2 = FACULTATIVE WINTER 3 = WINTER ☐ Early Growth: 1 = PROSTRATE 2 = SEMIPROSTRATE 3 = ERECT

2. MATURITY (50% Flowering):

1 = EARLY (California Mariout) 2 = MIDSEASON (Betzes) 3 = LATE (Frontier)

No. of days Earlier than .....  } 1 = BETZES 2 = CALIFORNIA MARIOUT 3 = CONQUEST 4 = DICKSON  
 No. of days Later than .....  } 5 = PIROLINE 6 = PRIMUS 7 = UNITAN

3. PLANT HEIGHT (From soil level to top of head):

1 = SEMIDWARF 2 = SHORT (California Mariout) 3 = MEDIUM TALL (Betzes) 4 = TALL (Conquest)

Cm. Shorter than .....  } 1 = BETZES 2 = CALIFORNIA MARIOUT 3 = CONQUEST 4 = DICKSON  
  Cm. Taller than .....  } 5 = PIROLINE 6 = PRIMUS 7 = UNITAN

4. STEM:

Exertion (Flag to spike at maturity): 1 = 0 - 3 cm. 2 = 3 - 10 cm. 3 = 10 - 15 cm.  Anthocyanin: 1 = ABSENT 2 = PRESENT

NO. OF NODES (Originating from node above ground)

Collar Shape: 1 = CLOSED 2 = V-SHAPED 3 = OPEN 4 = MODIFIED CLOSED OR OPEN  Shape of Neck: 1 = STRAIGHT 2 = SNAKY 3 = OTHER (Specify)

5. LEAF:

Basal leaf sheath (seedling): 1 = GLABROUS 2 = PUBESCENT  Position of flag leaf (at boot stage): 1 = DROOPING 2 = UPRIGHT

Waxiness: 1 = ABSENT (Glossy) 2 = SLIGHTLY WAXY 3 = WAXY   MM. WIDTH (First leaf below flag leaf)

CM. LENGTH (First leaf below flag leaf)  Anthocyanin in leaf sheath: 1 = ABSENT 2 = PRESENT

6. HEAD:

Type: 1 = TWO-ROWED 2 = SIX-ROWED  Density: 1 = LAX 2 = ERECT (Not dense) 3 = ERECT (Dense)

Shape: 1 = TAPERING 2 = STRAP 3 = CLAVATE 4 = OTHER (Specify)  Waxiness: 1 = ABSENT (Glossy) 2 = SLIGHTLY WAXY 3 = WAXY

Lateral Kernels Overlap: 1 = NONE 2 = AT TIP 3 = 1/4 - 1/2 OF HEAD  Rachis (Hair on edge): 1 = LACKING 2 = FEW 3 = COVERED

7. GLUME:

Length: 1 = 1/3 OF LEMMA 2 = 1/2 OF LEMMA 3 = MORE THAN 1/2 OF LEMMA  Hairs: 1 = NONE 2 = SHORT 3 = LONG

Hair covering: 1 = NONE 2 = RESTRICTED TO MIDDLE 3 = CONFINED TO BAND 4 = COMPLETELY COVERED

Awns: 1 = LESS THAN EQUAL TO LENGTH OF GLUMES 2 = EQUAL TO LENGTH OF GLUMES 3 = MORE THAN EQUAL TO LENGTH OF GLUMES

Awn Surface: 1 = SMOOTH 2 = SEMISMOOTH 3 = ROUGH

## FORM GR-470-5 (Reverse)

## 8. LEMMA:

☐ 5 Awn: 1 = AWNLESS 2 = AWNLETS ON CENTRAL ROWS AWNLESS ON LATERAL ROWS  
3 = SHORT ON CENTRAL ROWS, AWNLETS ON LATERAL ROWS 4 = SHORT (less than equal to length of spike)  
5 = LONG (longer than spike) 6 = HOODED

☐ 3 Awn Surface: 0 = AWNLESS 1 = SMOOTH 2 = SEMISMOOTH 3 = ROUGH

☐ 3 Teeth: 1 = ABSENT 2 = FEW 3 = NUMEROUS ☐ 1 Hair: 1 = ABSENT 2 = PRESENT

☐ 2 Shape of base: 1 = DEPRESSION 2 = SLIGHT CREASE 3 = TRANSVERSE CREASE ☐ 2 Rachilla Hairs: 1 = SHORT 2 = LONG

## 9. STIGMA:

☐ 2 Hairs: 1 = FEW 2 = MANY

## 10. SEED:

☐ 2 Type: 1 = NAKED 2 = COVERED ☐ 1 Hairs on Ventral Furrow: 1 = ABSENT 2 = PRESENT

☐ 4 Length: 1 = SHORT (8.0 mm.) 2 = SHORT TO MIDLONG (7.5 - 9.0 mm.) 3 = MIDLONG (8.5 - 9.5 mm.)  
4 = MIDLONG TO LONG (9.0 - 10.5 mm.) 5 = LONG (10.0 mm.)

☐ 2 Wrinkling of hull: 1 = NAKED 2 = SLIGHTLY WRINKLED 3 = SEMIWRINKLED 4 = WRINKLED

☐ 2 Aleurone Color: 1 = COLORLESS (White or Yellow) 2 = BLUE

☐ 0 ☐ 0 PERCENT ABORTIVE ☐ 4 ☐ 3 GMS. PER 1000 SEEDS

## 11. DISEASE: (0 = Not Tested, 1 = Susceptible, 2 = Resistant)

<input type="checkbox"/> 0 SEPTORIA	<input type="checkbox"/> 0 NET BLOTCH	<input type="checkbox"/> 0 SPOT BLOTCH	<input type="checkbox"/> 0 POWDERY MILDEW
<input type="checkbox"/> 0 LOOSE SMUT	<input type="checkbox"/> 0 BACTERIAL BLIGHT	<input type="checkbox"/> 0 COVERED SMUT	<input type="checkbox"/> 0 FALSE LOOSE SMUT
<input type="checkbox"/> 0 STEM RUST	<input type="checkbox"/> 0 LEAF RUST	<input type="checkbox"/> 0 SCAB	<input type="checkbox"/> 1 SCALD
<input type="checkbox"/> 0 AY	<input type="checkbox"/> 0 BSMV	<input type="checkbox"/> 1 BYDV	<input type="checkbox"/> OTHER (Specify)

## 12. INSECT: (0 = Not tested, 1 = Susceptible 2 = Resistant)

<input type="checkbox"/> 0 GREEN BUG	<input type="checkbox"/> 0 ENGLISH GRAIN APHID	<input type="checkbox"/> 0 CHINCH BUG	<input type="checkbox"/> ARMYWORM
<input type="checkbox"/> 0 GRASS HOPPERS	<input type="checkbox"/> CERIAL LEAF BETTLE	<input type="checkbox"/> OTHER (Specify)	
HESSIAN FLY RACES		<input type="checkbox"/> GP	<input type="checkbox"/> A
		<input type="checkbox"/> B	<input type="checkbox"/> C
		<input type="checkbox"/> D	<input type="checkbox"/> E
		<input type="checkbox"/> F	<input type="checkbox"/> G

## 13. CHEMICAL (0 = Not Tested, 1 = Susceptible, 2 = Resistant)

☐ 0 DDT ☐ OTHER (Specify)

## 14. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED:

CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Plant tillering	Cal. Mar. 72	Seed size	Cal. Mar. 72
Leaf size	Cal. Mar. 72	Coleoptile elongation	Cal. Mar. 72
Leaf color	Cal. Mar. 72	Seedling pigmentation	Cal. Mar. 72
Leaf carriage	Cal. Mar. 72		

REFERENCES: The following publications may be used as a reference aid for the standardization of character descriptions and terms used in this form:

1. Wiebe, G. A., and D. A. Reid, 1961, Classification of Barley Varieties Grown in the United States and Canada in 1958, Technical Bulletin No. 1224, U.S. Dept. of Agriculture.
2. Reid, D. A., and G. A. Wiebe, 1968, Barley: Origin, Botany, Culture, Winter Hardiness, Genetics, Utilization, Pests, Agriculture Handbook No. 338, U.S. Dept. of Agriculture. pp. 61 - 84.
3. Malting Barley Improvement Association, Milwaukee, Wisconsin, 1971, Barley Variety Dictionary.

COLOR: Nickerson's or any recognized color fan may be used to determine color of the described variety.

7800093

Exhibit D

Additional Description of Bold

Bold is a short-strawed, six-rowed spring barley. It is midseason in maturity (similar to Betzes and Briggs). It has a semi-erect to erect growth habit. It is more vigorous than most barleys in the tillering stage. The following are botanical characteristics for Bold:

Stem: short, about 84 cm, moderately weak, stem exertion at maturity is 3-10 cm, neck shape is snaky.

Spike: Six-rowed, strap, non-overlapping kernels, slightly waxy, covered rachis, erect and lax.

Glumes: length more than 1/2 of lemma, hair covering long and restricted to the band.

Lemma awns: rough and long

Kernels: 93% long-haired rachilla, (remaining 7% are short-haired rachilla which are sometimes deformed under certain environmental conditions). Lemma awn is longer than spike, rough surface with few teeth and absence of hair. Lemma shape of base is a slight crease.

Leaf characteristics (1st below flag leaf): 28 cm long and 23 mm wide.

Collar: V shaped



7800093

Table 1. Performance of Bold compared with CM67, Briggs, UC 566, Signal, Kombar, and NK214 grown at six locations in California in 1974-76.

Agronomic	Station-		Bold	CM 67	Briggs	UC566	Signal	Kombar	NK214
	years								
Yield, #/ac.	10		5023	4588	4696	5015	--	5753	5080
Yield, bu/ac.	4		49	49	46	49	50	47	50
Maturity (days after heading)	4		15	12	15	14	13	28	14
Height, inches	9		33	38	42	40	41	39	31
Lodging, 0-9	7		3	6	3	4	7	1	--
Shattering, 0-9	4		1	2	2	1	4	1	--
<u>Disease</u>									
Scald	1		4.0	4.0	4.0	6.0	4.0	--	--
BYDV, 0-9	1		5.0	2.0	7.0	2.5	1.8	2.0	1.0

0-9; 0 = most desirable, 9 = least desirable

BILL OF SALE AND ASSIGNMENT

KNOW ALL MEN BY THESE PRESENTS that AGRIPRO BIOSCIENCES INC., a Delaware corporation (hereinafter referred to as "Seller"), pursuant to that certain Asset Purchase Agreement of even date herewith by and between Seller and AGR ACQUISITION CORPORATION, a Delaware corporation (hereinafter referred to as "Buyer") and for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant, bargain, sell, assign, convey and deliver unto Buyer, all of Seller's right, title and interest in and to the plant varieties owned/registered by Seller and more particularly set forth on Exhibit A attached hereto for which PVP Certificates have been issued by or may be pending before the U. S. Department of Agriculture.

TO HAVE AND TO HOLD UNTO PURCHASER, its successors and assigns forever.

IN WITNESS WHEREOF, Seller has executed this Bill of Sale and Assignment as of the 30th day of June, 1994.

AGRIPRO BIOSCIENCES INC.

BY: W.A. Zama  
Title: President

STATE OF KANSAS, COUNTY OF JOHNSON

Before me, the undersigned, a Notary Public of the State and County aforesaid, personally appeared W.A. ZAMA with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who, upon oath, acknowledged himself to be the PRESIDENT of Agripro Biosciences Inc., the within named bargainer, a corporation, and that he as such PRESIDENT, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as PRESIDENT.

WITNESS my hand and Notarial Seal at office the day and year above written.

Alma M. Weaver  
Notary Public

My Commission Expires:

June 22, 1998

ALMA M. WEAVER  
NOTARY PUBLIC  
STATE OF KANSAS

My Appt. Exp. June 22, 1998

Office of the Secretary of State

---

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "AGR ACQUISITION CORPORATION", CHANGING ITS NAME FROM "AGR ACQUISITION CORPORATION" TO "AGRIPRO SEEDS, INC.", FILED IN THIS OFFICE ON THE THIRTIETH DAY OF JUNE, A.D. 1994, AT 4:30 O'CLOCK P.M.

A CERTIFIED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS FOR RECORDING.



*Edward J. Freel*

---

SECRETARY OF STATE  
AUTHENTICATION:

7169071

DATE:

07-01-94

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944121584

06/30/94 14:25

0913 384 0208

ABI SHAWNEE MSN

002/002

CERTIFICATE OF AMENDMENT  
OF  
CERTIFICATE OF INCORPORATION  
OF  
AGR ACQUISITION CORPORATION

AGR Acquisition Corporation, a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware,

DOES HEREBY CERTIFY:

FIRST: that the Board of Directors of said corporation, by the unanimous written consent of its members filed with the minutes of the Board, adopted a resolution proposing and declaring advisable the following amendment to the Certificate of Incorporation of said corporation:

RESOLVED, that the Certificate of Incorporation of this corporation be amended by changing the Article thereof numbered "ARTICLE I" so that, as amended, said Article shall be and read as follows:

"ARTICLE I

Name

The name of the corporation (hereinafter called the 'Corporation') is Agripro Seeds, Inc."

SECOND: That in lieu of a meeting and vote of stockholders, the sole shareholder of the corporation has given unanimous written consent to said amendment in accordance with the provisions of Section 228 of the General Corporation Law of the State of Delaware.

THIRD: That the aforesaid amendment was duly adopted in accordance with the applicable provisions of Sections 242 and 228 of the General Corporation Law of the State of Delaware.

FOURTH: That the capital of said corporation shall not be reduced under or by reason of said amendment.

IN WITNESS WHEREOF, said AGR Acquisition Corporation has caused this certificate to be signed by Gary T. Hancock, its President, and attested by Ann Steelman, its Secretary, this 30<sup>th</sup> day of June, 1994.

AGR ACQUISITION CORPORATION

BY: Gary T. Hancock  
Gary T. Hancock, President

ATTEST:

BY: Ann Steelman  
Ann Steelman, Secretary



United States  
Department of  
Agriculture

Agricultural  
Research  
Service

Northern Plains Area  
National Seed  
Storage Laboratory

1111 South Mason Street  
Fort Collins, CO 80521-4500  
Telephone: 970 495-3200  
Fax: 970 221-1427

February 14, 1997

Marian R. Minnifield, Secretary  
Plant Variety Protection Office  
NAL Building, Room 500  
10301 Baltimore Boulevard  
Beltsville, Maryland 20705-2351

Subject: Expired PVPO's; disposition of

1. The following expired PVPO's have been transferred to the NPGS. Our records have been changed accordingly.

Serial Number		PVP Number
101862	01	PVP 7800029
102219	01	PVP 7800010
102675	01	PVP 7800088
102676	01	PVP 7400011
103506	01	PVP 7800084
103507	01	PVP 7900016
103508	01	PVP 7800082
103840	01	PVP 7900017
103842	01	PVP 7900067
104549	01	PVP 7700106
104551	01	PVP 7100046
314988	01	PVP 9500276
101863	01	PVP 7800026
102222	01	PVP 7800078
102226	01	PVP 7800091
101854	01	PVP 7200134
102214	01	PVP 7605014
102216	01	PVP 7900011
102217	01	PVP 7800095
102218	01	PVP 7800093
102220	01	PVP 7800097
102221	01	PVP 7800042

97 FEB 25 1997

USDA



United States  
Department of  
Agriculture

Agricultural  
Research  
Service

Northern Plains Area  
National Seed  
Storage Laboratory

1111 South Mason Street  
Fort Collins, CO 80521-4500  
Telephone: 970 495-3200  
Fax: 970 221-1427

102673	01	PVP 7800059
103502	01	PVP 7800096
103503	01	PVP 7800074
103509	01	PVP 7900044
103510	01	PVP 7900047
103838	01	PVP 7500042
103843	01	PVP 7300101
101859	01	PVP 7200132
102227	01	PVP 7700085
103511	02	PVP 7800028
103839	01	PVP 7900049
103845	01	PVP 7900048
104548	02	PVP 7800057
104550	01	PVP 7800024

97 FEB 25 1997

USDA

Sincerely,

## LAW OFFICES

## BURCH, PORTER &amp; JOHNSON

130 NORTH COURT AVENUE

MEMPHIS, TENNESSEE 38103

TELEPHONE 901-523-2311

TELECOPIER 901-523-7140

July 25, 1994

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SUSAN CLARK TAYLOR  
DOUGLAS F. HALLMAN  
JOHN W. CAMPBELL  
R. PORTER FEILD

CHAS. N. BURCH 1868-1936  
H. D. MINOR 1865-1947  
CLINTON H. MCKAY 1888-1943  
JESSE E. JOHNSON, JR. 1913-1980  
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Ms. Ann Zempolich  
Plant Variety Protection Office  
U. S. Department of Agriculture  
500 NAL Building  
10301 Baltimore Boulevard  
Beltsville, MD 20705

Re: Agripro Biosciences Inc. Sale of PVPs to AGR Acquisition Corporation (which has changed its name to Agripro Seeds, Inc.)

Dear Ms. Zempolich:

I am enclosing herewith the Bill of Sale and Assignment wherein Agripro Biosciences Inc. has sold and assigned all of its right, title and interest in and to the PVPs listed on the attachment to the Bill of Sale to AGR Acquisition Corporation and hereby request that your records be changed to show the new owner as Agripro Seeds, Inc., the new name of AGR Acquisition Corporation. It is our understanding that the attachment was generated by someone in your office and forwarded to Agripro Biosciences Inc. at its request, and was subsequently forwarded to our office as attorneys for the purchaser in connection with the sale transaction.

As I indicated to you in our several previous telephone conversations, AGR Acquisition Corporation changed its corporate name to Agripro Seeds, Inc. the same date as the closing of the sale. I am enclosing herewith a copy of the Certificate of Amendment filed by the Delaware Secretary of State wherein the corporate name is changed.

If I counted correctly, there are 149 PVP certificates listed on the attachment to the Bill of Sale and Assignment. I am enclosing a check in the amount of \$3,725.00 payable to United States Treasury in payment of the \$25.00 per certificate fee to change the owner's name on your records.

THIS DOCUMENT HAS A COLORED BACKGROUND - NOT A WHITE BACKGROUND

THIS DOCUMENT HAS A COLORED BACKGROUND



HELENA CHEMICAL COMPANY  
Suite 3200 - Clark Tower  
5100 Poplar Avenue  
Memphis, Tennessee 38137

DATE

CHECK NUMBER

7-8-94

22406

PROTECTION  
AMOUNT

EXACTLY **PAY 3,725.00**

PAY THIS AMOUNT

\$3,725.00

United States Treasury

PAY TO THE  
ORDER OF

HELENA CHEMICAL COMPANY  
by

*Byn Jahn*